

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TERRY PARHAM,

Plaintiff,

V.

RANDY ALLEN, an individual, MACK TRUCKS, INC., a corporation, et al.,

Defendants.

**CIVIL ACTION NO.
2:06-CV-483-WHA**

**DEFENDANT MACK TRUCKS, INC.'S RESPONSE TO THIS COURT'S
NOVEMBER 28, 2006 SHOW CAUSE ORDER**

COMES NOW Mack Trucks, Inc. (hereinafter referred to as “Defendant” or "Mack"), Defendant in the above-styled cause, by and through its undersigned counsel, and in response to this Court’s November 28, 2006 Show Cause Order regarding United Parcel Service and Liberty Mutual Insurance Co.'s motion to intervene states the following:

1. Mack does not object to having United Parcel Service (“UPS”) and Liberty Mutual Insurance Co. (“Liberty Mutual”) (collectively referred to as the “Intervenors”) join this action as intervenors so long as their intervention does not affect this Court’s jurisdiction over the matter, and their participation is passive and limited to their desire to preserve and protect any potential subrogation claim arising from ALA. CODE § 25-5-11 (1975).

2. It is Mack's position that, if permitted to intervene, the Court should expressly provide that the Interveners cannot actively participate in any aspect of pretrial preparation, discovery, or the litigation of this case unless specifically permitted by a subsequent Order of this Court. The limitation of the Intervener's participation should include a prohibition against conducting any discovery throughout the remainder of this litigation, obtaining any discovery from any other parties, and from participating at trial except as passive observers.

/s/ Dow A. Davidson
John C. Morrow (MOR054)
Geoffrey S. Bald (BAL032)
Dow A. Davidson (DAV160)

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CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2006, I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of such filing to the following:

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